

**MEMORANDUM**

TO: District of Columbia Zoning Commission

FROM: Jennifer Steingasser, Deputy Director, Development Review and Historic Preservation

DATE: January 9, 2012

SUBJECT: Case No. **ZC-11-18: Final Report** Dix Street Gateway Redevelopment Partners, LLC - Map Amendment, Special Exception, and Variance Relief - Square 5268

I. RECOMMENDATION

The Office of Planning **recommends approval** of:

- The proposed map amendment from the R-2 District to the R-5-A District for Lots 9 through 13 of the subject property, as it is not inconsistent with the Comprehensive Plan;
- Special Exception relief under Section 353 to permit new residential development in the R-5-A District; and
- Variance relief from the off-street parking requirement of Section 2101, to permit twenty (20) off-street parking spaces where thirty-nine (39) would be required.

II. BACKGROUND

On September 26, 2011, the Zoning Commission set down the request by Dix Street Redevelopment Partners, LLC (the Applicant) for a map amendment to **rezone the R-2 portion** of its split-zoned development parcel (C-2-A/R-2) located in Square 5268 **to the R-5-A District**.

A new multi-family building is proposed to be constructed on Square 5268, Lots 9 through 16 (the "Subject Property"). Lots 9 through 13 of the subject property are currently zoned R-2, and Lots 14 through 16 are zoned C-2-A. The proposed map amendment which is intended only for the R-2 portion of the site would accommodate additional density for the multi-family residential building, as the R-2 District only permits single-family residences. The rezoning would permit additional housing units as required by the District's disposition agreement, which *"expressed a strong preference that the project be weighted toward family-style units (two or more bedrooms)."*

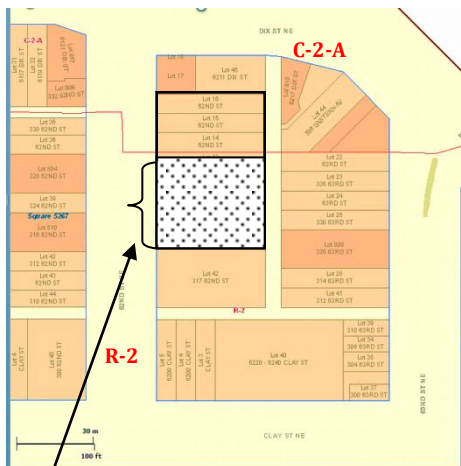
The proposed development of a 39-unit apartment building would be targeted to families at or below 60% of the Area Median Income (AMI) but at least 30% of the units must be assigned to individuals or families making at or below 80% of AMI. The rental residential apartment building would be comprised of 11 one-bedroom, 17 two-bedroom, and 11 three-bedroom units, with 20 on-site, surface parking spaces.

The Commission also agreed to hear the special exception relief under Section 353 for new development in the R-5-A District and variance relief from the off-street parking requirement under Section 2101.1, as part of the same hearing.



III. AREA DESCRIPTION

Address	No assigned address to date.		
Legal Description	Square 5268 Lots 9-16	Lots 9-13 are the subject lots to be rezoned	Ward 7/ANC 7C
Lot Characteristics	The combined parcel is comprised of eight flat rectangular lots, each 3,500 square feet in area, for a total of 28,000 square feet. There are no remarkable topographic features.		
Existing Development	The subject property is currently unimproved.		
Existing Zoning	Split-zoned - R-2 (Lots 9-13); C-2-A (Lots 14-16). The R-2 District permits development with one-family, semi-detached dwellings. C-2-A Districts permits low and medium density residential development.		
Adjacent Properties	The parcel occupies the mid-block of 62 nd Street NE, between Clay and Dix Street. Within the C-2-A District, the subject parcel abuts two developed lots with vacant low density commercial structures. To the south, the parcel abuts a church in the R-2 District. To the east, it abuts a 20-foot wide public alley and the lot fronts on 62 nd Street to the west.		
Surrounding Neighborhood Character	Across 62 nd Street are three-story apartment buildings and a single-family detached dwelling. Across the public alley to the east are two, and three-story apartment buildings. The immediate surroundings of the subject property are characteristic of moderate density multi-family residences.		



Lots 9-13 – Proposed R-5-A



Subject Property- Lots 9-16

View from 62nd Street looking east

ZONING & AERIAL VIEW

COMPREHENSIVE PLAN FUTURE LAND USE and GENERALIZED POLICY MAP

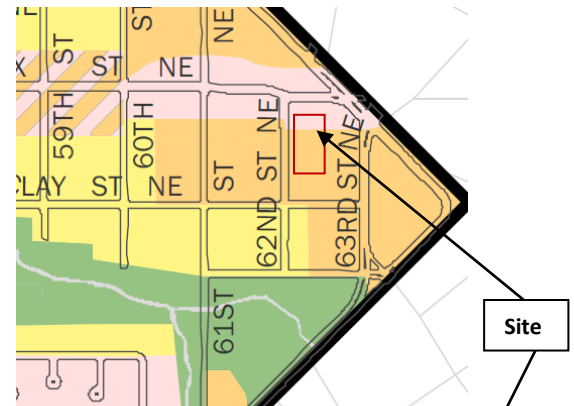
The Comprehensive Plan's Future Land Use Map shows that the site is primarily designated for Moderate Density Residential, "areas characterized by a mix of single-family row homes, 2-4 unit buildings and low-rise apartment buildings". A small portion of the property to the north is designated Low Density Commercial. The immediate surrounding development pattern is more characteristic of moderate density residential districts and small apartment buildings are common.

The area proposed for the map amendment is mainly within a Neighborhood Conservation Area of the Generalized Land Use Map. These areas are characterized by "... little vacant or underutilized land. Where change occurs, it will be modest in scale and will consist primarily of scattered site infill housing, public facilities and institutional uses. Major changes in density are not expected but some new development and reuse opportunities are anticipated..."

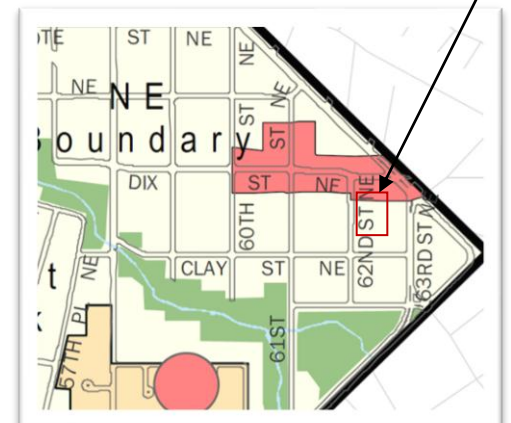
A major change in the density is not proposed. However, the map amendment would facilitate housing consistent with the District's goal of providing affordable mixed-income housing units.

The smaller portion of this site is designated a neighborhood commercial center which is anticipated "to meet the day-to-day needs of residents and workers in the adjacent neighborhoods. New development and redevelopment ...must be managed to conserve the economic viability of these areas while allowing additional development that complements existing uses."

The development of this property as proposed is not inconsistent with the Future Land Use Map or the Generalized Policy Map.



Comprehensive Plan Land Use Map



Comprehensive Plan Generalized Policy Map

COMPREHENSIVE PLAN POLICIES

A planning and development priority for the Far Northeast Area of the Comprehensive Plan is the need to provide a variety of new housing choices. ^{1707.1a} The development of vacant land with potential for infill development should generally be similar to what exists today. ^{1707.2a} The proposed development is not inconsistent with the policies of the Far Northeast, Land Use and Housing Elements of the Plan, including:

Policy FNS-1.1.2: Development of New Housing

Encourage new housing for area residents on vacant lots and around Metro stations within the community, and on underutilized commercial sites along the area's major avenues. Strongly encourage the rehabilitation and renovation of existing housing in Far Northeast and Southeast, taking steps to ensure that the housing remains affordable for current and future residents. ^{1708.3}

Policy FNS-2.3.1: Northeast Boundary Neighborhood

Leverage the development of Capitol Gateway Estates to achieve additional reinvestment in the Northeast Boundary neighborhood, particularly the rehabilitation of existing housing and the development of new mixed-income family housing on vacant lots. ^{1713.4}

Land Use

Major themes of the **Land Use Element** promote "...efficient use of land resources to meet long-term neighborhood, citywide and regional needs... or to improve the character and stability of neighborhoods in all parts of the city..." ^{300.2}

LU-1.4 Neighborhood Infill Development - *In residential areas, infill sites present some of the best opportunities in the city for “family” housing and low- to moderate-density development.* 307.2

Policy LU-1.4.3: Zoning of Infill Sites - *Ensure that the zoning of vacant infill sites is compatible with the prevailing development pattern in surrounding neighborhoods.*307.7

The proposed map amendment from the R-2 District to the R-5-A District would ensure that the vacant site is developed compatible with the surrounding neighborhood, where walk-up style apartment buildings are common. If the site were to remain within the R-2 District, only single-family dwellings would be permitted and this type of residential development would not be compatible with the existing surrounding neighborhood.

Housing

The Housing Element describes the importance of providing housing opportunities for all segments of our population, including ensuring housing affordability and fostering housing production. 500.1

Policy H-1.1.1: Private Sector Support

*Encourage the private sector to provide **new housing** to meet the needs of present and future District residents at locations consistent with District land use policies and objectives.*

The District has partnered with a private developer to provide new housing consistent with current revitalization efforts in the surrounding neighborhood.

Policy H-1.1.3: Balanced Growth

*Strongly encourage the **development of new housing on surplus, vacant and underutilized land** in all parts of the city.*

The parcel represents underutilized District land and the proposed development is intended to support this policy.

Policy H-1.1.5: Housing Quality

Require the design of affordable housing to meet the same high-quality architectural standards required of market-rate housing. Regardless of its affordability level, new or renovated housing should be indistinguishable from market rate housing in its exterior appearance and should address the need for open space and recreational amenities, and respect the design integrity of adjacent properties and the surrounding neighborhood. 503.6

The proposed design and material use would not be out of character with the new housing opportunities currently being provided in the surrounding neighborhoods, including for example the larger development of East Capitol Dwellings at 58th Street.



Policy H-1.2.3: Mixed Income Housing

Focus investment strategies and affordable housing programs to distribute mixed income housing more equitably across the entire city, taking steps to avoid further concentration of poverty within areas of the city that already have substantial affordable housing. 504.8

The intent of the District’s disposition agreement is to provide mixed income housing, affordable to working families at 60% of AMI, with at least 30% of units dedicated to individuals making at or below 80% of AMI.

Policy H-1.3.1: Housing for Families

Provide a larger number of housing units for families with children by encouraging newthree-and four-bedroom apartments.

The development’s unit mix would provide 17 two-bedroom and 11 three-bedroom units (72% of the units) as an incentive to encourage families.

V. ZONING

The project has been designed within the permitted height and FAR of the proposed R-5-A District and the existing C-2-A District. The following table is a comparison of the C-2-A, R-2 and the R-5-A standards with the proposed development:

Provision	C-2-A (M-o-R)	R-2 (M-o-R)	R-5-A (M-o-R)	R-5-A Proposed	C-2-A Proposed
Lot Area 28,000 sf	None prescribed 10,500 sf	4,000 sf single family detached 3,000 sf for semi-detached 17,500 sf	None prescribed	17,500 sf	10,500 sf
Height (§§ 770, 400) (# of stories)	50 feet (no limit)	40 feet (no limit)	40 feet (3 stories)	32 ft. 5 ins.	47 ft
FAR (§§ 771.2, 402.4)	2.5 (3.0 with IZ)	None prescribed	0.9 (1.08 with IZ)	1.08 (IZ)	2.64 (IZ)
Lot Occupancy (§ 403.2)	60% (75% with IZ)	40%	40% (40% with IZ)	36%	66%
Parking (§ 2101)	1 /2 du =11 spaces	1/1du = 5 spaces	1/1 du = 18 spaces	14 spaces	6 spaces
Use	Mixed use	Single-family dwellings 5	Multi-family dwellings	Multi-family 18 units	Multi-family 21 units

- C-2-A : Permits matter-of-right low density development, including office employment centers, shopping centers, medium-bulk mixed use centers, and housing to a maximum lot occupancy of 60% for residential use and 100% for all other uses, a maximum FAR of 2.5 for residential use and 1.5 FAR for other permitted uses, and a maximum height of fifty (50) feet. Rear yard requirements are fifteen (15) feet; one-family detached dwellings and one-family semi-detached dwellings side yard requirements are eight (8) feet.
- R-2 : Permits matter-of-right development of single-family residential uses for detached and semi-detached structures, with a minimum lot width of 40 feet and lot area of 4,000 square feet for detached structures, churches, and public recreation and community centers, 30 feet and 3,000 square feet for semi-detached structures and 120 feet and 9,000 square feet for schools; a maximum lot occupancy of 60% for church and public school use, 20% for public recreation and community centers, and 40% for all other structures, and a maximum height of three (3) stories/forty (40) feet (60 feet for churches and schools and 45 feet for public recreation and community centers). Rear yard requirements are twenty (20) feet; side yard requirements are eight (8) feet.
- R-5-A : Permits matter-of-right development of single-family residential uses for detached and semi-detached dwellings and, with the approval of the Board of Zoning Adjustment, new residential development of low density residential uses including row houses, flats, and apartments to a maximum lot occupancy of 40%, 60% for churches and public schools, and 20% for public recreation and community centers; a maximum floor area ratio (FAR) of 0.9, and a maximum height of three (3) stories/forty (40) feet (90 feet for schools, 60 feet for churches, and 45 feet for public recreation and community centers). Rear yard requirements are twenty (20) feet; side yard requirements are not less than eight (8) feet. If all other provisions of the zoning regulations are complied with, conversion of existing buildings to flat or apartment use is permitted as a matter-of-right.

REQUESTED RELIEF

The following relief from the Zoning Regulations is required:

- § Section 353 - New Residential Development in R-5-A. In R-5-A Districts, all new residential development, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed as a special exception under § 3104. The proposal includes development of a 39-unit rental apartment building.
- § 2101 – Off-Street Parking requirement to allow 20 spaces where 39 spaces would be required.

Special Exception Relief - §353 and § 3104.1 - NEW RESIDENTIAL DEVELOPMENT (R-5-A)

The Commission is authorized to grant special exception relief where, in its judgment the special exception will be in harmony with the general purpose and intent of the Zoning Regulations and Zoning Maps and will not tend to affect adversely, the use of neighboring property in accordance with the Zoning Regulations and Zoning Maps, subject in each case to the special conditions specified as follows:

Section 353

353.1 In R-5-A Districts, all new residential developments, except those comprising all one-family detached and semi-detached dwellings, shall be reviewed by the Board of Zoning Adjustment as special exceptions under § 3104 in accordance with the standards and requirements in this section.

The Commission retained its jurisdiction at the setdown meeting of September 16, 2011 to hear the applicant's request for special exception and variance relief.

353.2 The Board shall refer the application to the D.C. Board of Education for comment and recommendation as to the adequacy of existing and planned area schools to accommodate the numbers of students that can be expected to reside in the project.

OP referred the application to the Office of the State Superintendent of Education for comments. The proposed development would be located within walking distance of Drew Elementary School and within a one-mile radius to Kelly Middle School and HD Woodson High School. Based on DCPS's on-line enrollment data, OP estimates that the schools' capacity would be able to accommodate school-age children who may be expected to reside in the residential development.

353.3 The Board shall refer the application to the D.C. Departments of Transportation and Housing and Community Development for comment and recommendation as to the adequacy of public streets, recreation, and other services to accommodate the residents of the project and the relationship of the proposed project to public plans and projects.

The application was forwarded to the District's Department of Transportation (DDOT) and the applicant met with DDOT to discuss the proposed development. In conversations with OP, DDOT expressed no concerns regarding the development. The Department of Housing and Community Development (DHCD) consented to allow the developer to file the subject application.

353.4 The Board shall refer the application to the D.C. Office of Planning for comment and recommendation on the site plan, arrangement of buildings and structures, and provisions of light, air, parking, recreation, landscaping, and grading as they relate to the future residents of the project and the surrounding neighborhood.

Site Plan

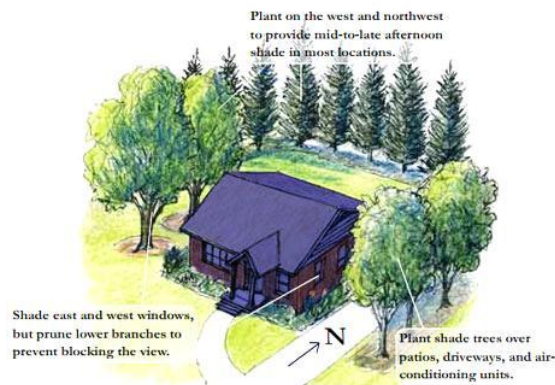
The proposed three and four story apartment building would be a wood-frame constructed building, clad with brick veneer at the ground level and fiber-cement panel siding on the second through 3rd floors on the south wing and primarily fiber-cement lap siding on the 2nd through 4th floors on the north wing. The design, proposed height and density of the development would be in character with the surrounding neighborhood. The proposed 1.08 FAR (per IZ) and lot occupancy is within the maximum permitted for matter-of-right development in both the C-2-A and R-5-A District, and is consistent with what would be expected in a moderate density designation.

The building's height also conforms to the maximum permitted within the split zones of the parcel. The portion of the building within the C-2-A District is designed at 47 feet in height but steps down to 32 feet within the R-5-A portion of the site. The apartment building fronts on 62nd Street and its articulation along this frontage is appropriately interrupted at the zone boundary, where the building is further stepped back from public space. The design allows the building to appear as two separate buildings and complements the scale of nearby residential buildings, including those immediately opposite. The setback also aligns the building with the existing single-story church building at the corner of 62nd Street and Clay Street.

The building's lobby entrance would provide a connection to the 21 units of the north wing and 18 units of the south wing. This area would also provide access to a bicycle parking rack located at the east entrance, and to the surface parking area at the rear. Trash and recycling bins would be located at the northeast edge of the site.

The design of the south wing provides the larger area of the parcel's open space features, as up to 60% of the R-5-A portion of the parcel would be devoted to open space for landscaping and passive recreation. The concept landscape plan was included in the submission (Sheet L-1), including shade trees on the property and within public space, as well as shrubbery to be located along the north and south property lines. The applicant is encouraged to consider modification to some elements of the design to ensure the site's sustainability, including:

- Planting deciduous shade trees at the southeast and northwest edges of the property to reduce the building's energy demand. The plant schedule includes trees that would only provide shade at ground level;



Preferred planting around a development



Pervious Pavers

- Provision of pervious pavers in the parking area (as shown above) to allow infiltration of water and reduce runoff in the alley, as well as lower the heat island effect;
- Provision of high-albedo roof coating to reflect heat off the roof and reduce the building's air-conditioning/energy use;
- Provision of double-pane argon windows for significant energy reduction;
- Consideration of photovoltaic cells or solar panels, to reduce energy costs for residents;
- Provision of a second door each at the corridor entry to the east and west wing on the ground floor to reduce heat loss or air-condition use due to entry and exit of occupants; and
- Installations of Energy Star rated air-conditioning units and appliances.

The applicant stated to OP that the building design would conform to the Green Communities criteria. OP requested the applicant provide a checklist of those criteria at the hearing.

The building's courts and setback from the property lines at the north and south would ensure that light and air to future residents would be adequate, even if the abutting properties were redeveloped in the future.

Parking

On-site parking would be provided for future residents. While a little more than half (51%) of the required number of spaces would be provided, the site is within less than a half-mile (walking) distance to the Capitol Heights Metro Station, and the well-traveled Metrobus corridors along Southern Avenue and Eastern Avenue. The District Department of Transportation (DDOT) expressed no major concerns to OP regarding the number of on-site parking spaces. The site plan provides for a dedicated bike storage area. A car share space would also have a dedicated space in the parking area which could be accessed from 62nd Street via a walkway or directly from the alley.

Recreation

The Watts Branch Playground is within walking distance of the site and other District recreation facilities are within a mile of the site.

353.5 In addition to other filing requirements, the developer shall submit to the Board with the application, four (4) site plans and two (2) sets of typical floor plans and elevations, grading plans (existing and final), landscaping plans, and plans for all new rights-of-way and easements.

The required plans were submitted for the Commission's review.

Section 3104

The proposed development would be in character with other residential properties of the surrounding neighborhood with respect to its height and density, including the walk-up style apartments in the immediate vicinity. The availability of light and air to neighboring properties would not be adversely affected as the development meets all required setbacks from the property lines and is separated from other residential properties by 62nd Street to the west and a 20-foot wide alley to the east. Therefore, privacy concerns would also not be anticipated. The provision of on-site parking would mitigate any concerns the neighborhood may have regarding on-street parking demand, and there is ample supply of on-street parking. The site is within walking distance of a Metrorail station and OP commends the applicant for encouraging other modes of transportation through the provision of a bicycle storage area off the lobby area and an opportunity for car-share on the property. Therefore, grant of the requested relief would not tend to adversely affect the use of neighboring properties and will be in harmony with the general purpose and intent of the Zoning Regulations and Map.

Variance Relief: Section 2101 – Off-Street Parking Requirement

Twenty (20) off-site parking spaces would be provided where thirty-nine (39) would be required.

Exceptional Situation creating a Practical Difficulty

An additional 3,249 square feet (minimum) of land area would be necessary to accommodate the nineteen (19) additional surface spaces in the parking area. The District does not own additional property to provide the required land area for at-grade parking. The existing R-2 zone and zoning history is being solved directly by the map amendment which is needed for the proposed development. OP does recognize the history of the site, as it is owned by DHCD in their capacity to provide affordable housing. The cost of undergrounding parking would add disproportionately to the cost of the project and additional surface parking could only be provided if the size of the buildings were reduced, making the project unfeasible.

Harm to the Intent and Purpose of the Zoning Regulations

The site is within walking distance to the Capitol Heights Metro Station, which is located at the intersection of East Capitol Street and Southern Avenue. Both East Capitol Street and Southern Avenue are multi-route Metrobus corridors. On-street parking is also available to accommodate some visitor parking and residents' use if desired without an undue burden placed on the surrounding neighborhood. The applicant also intends to provide on-site bike storage, as well as a car-share space on the property in support of encouraging alternative modes of transportation. Therefore, granting the requested relief would not harm the intent of the Regulations and would further support the District's policy of encouraging the use of alternative modes of transportation and promoting walkability in neighborhoods located near transit facilities.

AGENCY REFERRALS AND COMMENTS

The application was referred to the District Department of Transportation (DDOT) and the Department of Housing and Community Development (DHCD) for comments. DDOT expressed no concerns to OP regarding this project. As submitted to the record, the District, through DHCD, provided consent to the developer to file the subject application.

COMMUNITY COMMENTS

The Advisory Neighborhood Commission (ANC) 7C voted unanimously to approve the parcel's development at its regularly held meeting on December 8, 2011.

CONCLUSION

The Office of Planning **recommends approval** of the requested map amendment from the R-2 District to the R-5-A District for a portion of the development parcel including Lots 9 through 13, in support of the District's land disposition agreement for the provision of new affordable housing on the site. The proposed map amendment is not inconsistent with the Comprehensive Plan's Land Use Map and Generalized Policy Map, as discussed in the report.

OP also recommends **approval of special exception relief** based on the satisfaction of the criteria of § 353 for new development within the R-5-A **and variance relief** from the on-site parking requirement of § 2101.1 to provide twenty (20) parking spaces, where thirty-nine (39) would be required.